S.B.CIVIL MISC. ARBITRATION APPLICATION NO.105/06

JETHU LAL VS. RAJ. HOUSING BOARD

DATE OF ORDER : 4/5/2007

HONB'LE SHRI RAJESH BALIA, J.

Mr.Arjun Singh, for the applicant.
Mr.P.C.Sharma, for the respondents.

Learned counsel Mr.P.C.Sharma appears for all the respondents. Thus, service is complete.

With the consent of learned counsel for the parties, the matter is disposed of finally.

This application has been moved under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator as disputes have arisen between the applicant and the respondents. The applicant is one of the partners of the Firm M/s. Gordhan & Sons, the contractor to whom the execution of the work was given under the work in question. The contract contains an arbitration clause that any dispute arising in respect of contract may be referred to the Arbitral Tribunal which has been constituted under the contract consisting of ex officio members. But in spite of having served the notice for referring the dispute to the Arbitral Tribunal, the dispute has not been referred by the non applicants. Hence, this application.

Learned counsel for the respondents has sought to urge reasons for not making the reference.

Since the existence of a contract, dispute and the notice are not in dispute and it relates to dispute arising out of a construction contract, I deem it just and proper to appoint Shri Mukan Chand Mehta, Addl. Chief Engineer, P.W.D (Retd.) resident of 33, Amar Nagar, Pal Road, Jodhpur, a name suggested by both the learned counsel to act as sole arbitrator in the case. The cost of the arbitration and fees of the arbitrator shall be as determined by the Arbitrator himself.

The application is accordingly disposed of.

(RAJESH BALIA), J.

Pankaj Baweja.